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IS 7655 (1975): Code of practice for food advertising [FAD 15: Food Hygiene, Safety Management and Other Systems]

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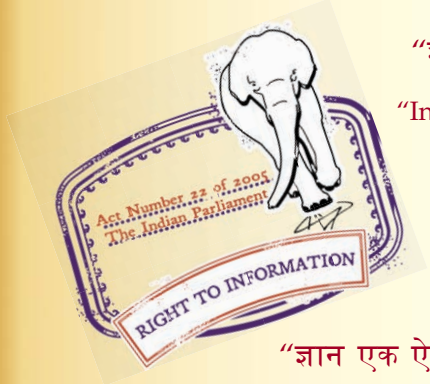

"ज्ञान एक ऐसा खजाना है जो कभी चुराया नहीं जा सकता है"
Bhartṛhari—Nītiśatakam
"Knowledge is such a treasure which cannot be stolen"

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IS : 7655 - 1975

Indian Standard

CODE OF PRACTICE FOR FOOD ADVERTISING

(First Reprint OCTOBER 1990)

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MANAK BHAVAN, 9 BAHADUR SHAH ZAFAR MARG
NEW DELHI 110002

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September 1975

(*Continued from page* 1)

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AMENDMENT NO. 1 JANUARY 1981

TO

IS:7655-1975 CODE OF PRACTICE FOR FOOD ADVERTISING

Corrigendum

[*Page 8, clause 5.1.3*(a), *informal table, second column, sixth entry*] - Substitute '450 mg' *for* '450 g'.

(AFDC 36)

Reprography Unit, BIS, New Delhi, India

Indian Standard

CODE OF PRACTICE FOR FOOD ADVERTISING

0. FOREWORD

0.1 This Indian Standard was adopted by the Indian Standards Institution on 30 April 1975, after the draft finalized by the Food Hygiene, Sampling and Analysis Sectional Committee had been approved by the Agricultural and Food Products Division Council.

0.2 Advertising is vital for successful marketing of food products. It provides an essential service to the consumer, to the industry and commerce, to the government and the economy in general. This is true only when such advertising is truthful, responsible and legal. The present code has been evolved keeping in view the role which advertising plays in ensuring the consumer's right to knowledge about the food products he buys, and the industry's problems in meeting the demands of market forces in the best way possible.

0.3 In the preparation of this standard due consideration has been given to the Prevention of Food Adulteration Act, 1954 and the Rules framed thereunder and the Fruit Products Order, 1955. Assistance has been derived from the following publications.

International Code of Advertising Practice. The International Chamber of Commerce, 1966.

Labelling of Food Regulations No. 400, of the United Kingdom, 1970.

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1. SCOPE

1.1 This code lays down basic principles and rules of conduct for food advertising and claims.

2. TERMINOLOGY

2.0 For the purpose of this standard, the following definitions shall apply.

2.1 Claim — An assertion on the label of a food that a food has special qualities or properties normally not found in a food of that kind and calculated to enhance its nutritive, diabetic, therapeutic or organoleptic

values to make the food more attractive in any other way to the consumer. It includes assertions of selectivity in choice of raw material and of special care in harvesting, handling or processing designed to produce a better quality of product (but not simply good hygiene practice). It does not include meaningless superlatives.

2.2 Components — Any substance which forms part of an ingredient.

2.3 Consumer — Any person to whom an advertising message is addressed.

2.4 Food — Any article used as food or drink for human consumption other than drugs and water and includes:

a) any article which ordinarily enters into or is used in the composition or preparation of human food, and

b) any flavouring matter or condiments.

2.5 Food Advertising — The words food advertisement are construed throughout this code in their broadest sense to embrace any form of advertising or publicity relating to food. Therefore, it should include all material whether written, pictorial, spoken or film, which features a message promoting a food product, or a food practice.

2.6 Food-Additive — Any substance not normally consumed as food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to the food for a technological (including organoleptic) purpose in the manufacture, processing, preparations, treatment, packing, packaging, transport or holding of such food results or may be reasonably expected to result (directly or indirectly) in it or its by-products becoming a component of or otherwise affecting the characteristics of such foods. The term does not include contaminants or substances added to food for maintaining or improving nutritional qualities.

2.7 Ingredient — Any substance including food additive, used in the manufacture or preparation of food and present in the final product.

2.8 Serving — A reasonable quantity of food suited for consumption, at one time, by an individual from a specified group of population.

3. BASIC PRINCIPLES

3.1 Food advertising should be an essential service to the consumer as well as to industry, commerce and public economy.

3.2 Food advertising should be socially responsible towards the consumer and the community.

3.3 All food advertising, irrespective of the medium used, should be legal, truthful, ethical and decent.

3.4 Food shall not be described or presented in any advertising in a manner that is false, misleading or deceptive or is likely to create an erroneous or exaggerated impression regarding its character in any respect.

4. RULES OF CONDUCT

4.1 Honesty

4.1.1 Food advertisements should be so framed as not to abuse the confidence of the consumer or exploit his lack of experience or knowledge.

4.1.2 Food advertisements should not play on superstition nor should these take undue advantage of beliefs, feelings and weaknesses of the consumers.

4.1.3 Food advertisement should not hurt religious sentiments of the consumers.

4.2 Truthful Presentation

4.2.1 Food advertisements should not contain any statement or visual presentation which directly or by implication, adds or omits information or causes, ommission or ambiguity which is likely to mislead the consumers.

4.2.2 No claims purporting to be statements of fact should be made if they are likely to mislead.

NOTE — Rounded off figures for calories, ingredients etc, could be given, provided rounded off figure does not disturb the relevance of the result claimed.

4.2.3 Food shall not be described or presented in advertising by words, pictorial or other devices including wrapper design, colour and style of lettering which would refer to or are suggestive either directly or indirectly of any other branded food products with which such food might be confused, or in such a manner as to lead the purchaser or consumer to believe that the food is associated or confused with the food of his choice by mere imitation of brand names, wrapper design or other device.

4.2.4 A misleading food advertisement should not be exonerated on the grounds that the advertiser or someone acting on his behalf has subsequently provided the consumer with accurate information.

4.2.4.1 Specifically, food advertisements should not mislead as to:

a) the qualities of the product advertised, for instance, its composition, nutritive value, its utility or suitability, its commercial or geographical origin;

b) the price, quantity and terms of purchase;

c) the services accompanying purchase, including delivery, exchange and return;

d) the contents and the value of the guarantee attached to the product; the words guarantee or warranty, or words having the same meaning should not be used unless the full terms of the guarantee as well as the remedial action open to the purchaser are clearly set out in the advertisement, or are available to the purchaser in writing at the point of sale or with the goods;

e) the existence of any patent protection or other industrial proprietary right granted to the product advertised, or of medals, prizes, diplomas, etc, awarded;

f) the qualities, the price, the value or the terms of purchase of other products on the market place and the services accompanying the purchase of such products; and

g) the trustworthiness of statements made by other advertisers.

4.2.4.2 Scientific terms, statistics, quotations from technical literature and the like should be used with a proper sense of responsibility to the consumer. Statistics with a limited validity should not be presented in such a way as to make it appear that these are universally true.

4.2.4.3 Food advertisements purporting that the purchase of a product will support some charitable cause should not mislead as to the share of the proceeds which will go to the charity unless quantum is specified.

4.3 Testimonials and References

4.3.1 Testimonials should be genuine and not contain any statement or visual presentation likely to mislead nor should they be used in a manner having that effect. Testimonials which are obsolete or otherwise no longer applicable should not be used.

4.3.2 Food advertisements should not contain reference to any person, firm or institution without due permission. Nor should a picture of any identifiable person be used in food advertising without due permission.

4.3.3 Food advertisements should not contain any reference to another firm or product which is likely to bring that firm or product into contempt or ridicule.

4.4 Exploitation of Trade Names and Symbols

4.4.1 Food advertisements should not take unfair advantage of the goodwill attached to the trade names and symbols of another firm or product, or of the goodwill acquired by an advertising campaign unless agreed upon by the concerned party.

4.5 Imitation of Advertising

4.5.1 Any imitation of food advertising illustrations, lay out, copy slogans, or packaging and labelling colour combination or style of lettering of products in current use by an advertiser in any one company and likely either to create confusion on the market or to stop the anticipated use in that company or elsewhere of his advertising or publicity should be avoided. In case a branded product forms an ingredient of another product, it may be displayed on the label or advertisement of any type by prior permission from the concern party.

4.6 Identification of Food Advertisements

4.6.1 Food advertisements should be clearly distinguishable as such, whatever their form and whatever the medium used; when published in a medium also containing news and editorial opinion, and advertisements should be so presented that the consumer can readily distinguish it from the editorial matter.

4.7 Safety Precautions

4.7.1 Food advertisements should not contain any visual presentation of a situation where normal safety precautions are disregarded and which thus might encourage negligence.

4.7.2 There should be full justification in the case of advertisements depicting children.

4.8 Children and Invalids

4.8.1 Food advertisements addressed to children or young people should not contain any statement or visual presentation which might result in harm to them physically, mentally or morally. Such food advertisements should not take advantage of the natural credulity of children or the lack of experience of young people.

4.8.2 Food advertisements should not take advantage of the hopes of persons suffering from illness or of an impaired ability on the part of such persons to judge critically advertisements holding out the promise of a cure or a recovery from illness or should not refer to any specific illnesses.

5. CLAIMS

5.1 Nutritional Claims

5.1.1 No food advertisement should contain any claim that may mislead the consumer as to the composition, character or action of a food or as to its suitability for the nutritional purpose for which it is recommended. Exaggerated claims should not be made.

5.1.2 No food advertisement should contain a claim:

a) for any particular value derived from food or its ingredient, unless that value can be wholly contributed by, or derived from that food;

b) as to the nature or effect of such food based on its ability to provide energy unless calorie content is significant with regard to the normal recommended consumptions of such food, and include a true statement of the calorie content in Kcal per 100 g or 100 ml of that food; and

c) as to the nature or effect of a such food suggesting that it is a source of protein unless at least 12 percent of the calorie content of such food is provided by protein.

5.1.3 No food advertisement should include any words or description which constitutes:

a) a general claim that vitamins or minerals are present in that food unless that food contains one or more vitamins and minerals listed below in such quantity that a normal daily consumption of the food as a supplement provides one-third of the recommended daily allowance of vitamins and minerals for an adult man as shown below:

Vitamin/Mineral	*Recommended Daily Allowance*
Vitamin A (retinol)	600 mcg
Vitamin C	50 mg
Thiamine	1·0 mg
Riboflavin	1·1 mg
Niacin	14 mg
Calcium	450 g
Iron	20 mg
Vitamin D	5 mcg
Vitamin B_6	1·6 mg
Folic acid	100 mcg
Vitamin B_{12}	1·0 mcg
Biotin	0·3 mg
Pantothenic acid	10 mg

The claim should also include a statement of the vitamin and mineral content in 100 g or 100 ml of that food.

b) any claim or suggestion that the particular substance specified is present in that food unless accompanied by true statement of the minimum quantity of every such substance contained in 100 g of the food.

5.1.4 Unless adequately justified, no food advertisement should adversely comment on good natural foods like milk or sound nutritional practices like breast feeding either directly or indirectly or even by implications.

5.2 Slimming Claim

5.2.1 No food advertisement should include any words, device or description calculated to indicate that the food is an aid to slimming or to weight control or to weight reduction, unless such food can make definite and positive contribution to weight control or weight reduction.

5.3 Diabetic Claims

5.3.1 No food advertisement should indicate:

a) that the food has been specially prepared for diabetics unless the carbohydrate content of that food calculated by mass is two-third of the carbohydrate content of similar foods not sold as diabetic food, the carbohydrate and calorie content thereof expressed in g per 100 g and Kcal/100 g respectively; and

b) in the case of any food which contains any carbohydrate, whether added or present in an ingredient of the food, that such food is suitable, or has been specially prepared for diabetics and that it contains no sugar.

5.4 Medicinal Claims

5.4.1 No food advertisement shall indicate either directly or indirectly that the food has tonic, restorative, or medicinal properties or properties which make it beneficial for invalids or which will cure, alleviate or prevent disease, unless:

a) the food contains a substance or substances in such quantity as to confer such properties, or in the case of an indication as to tonic properties unless the food contains substances, other than alcohol, carbohydrate, protein or caffeine or other purine derivatives, in such quantities as to confer tonic properties, and in every case unless accompanied by a true statement of minimum quantity of each such substance present in the food calculated by mass and expressed as a percentage of the mass of the food, and if a specific purpose is claimed, of the amount of such food which has to be consumed to achieve that purpose; or

b) the food is sufficiently deficient in a substance or substances as to confer properties in the food which can be expressed as percentage of the minimum quantity of the substances that have or have not been removed.

5.4.2 No food advertisement should hold out a promise of cure or contain any statement likely to endanger the health of any person suffering from illness. In particular, care should be taken in the case of illness requiring medical attention. No food advertisement should contain any matter which can be regarded as an offer of a food product for the treatment of any serious illness which should rightly receive medical attention.

5.4.3 No food advertisement should, without justifiable reason induce fear in the consumer that they are suffering, or may without treatment suffer, or suffer more severely, from an ailment, illness or disease.

5.4.4 No food advertisement should contain any reference to doctors, or hospital tests, unless such reference can be substantiated by independent evidence, and can be properly used in the manner proposed. This also applies to the use of dress or surrounding in a manner likely to convey an impression of independent professional medical advice or recommendation.

5.4.5 No food advertisement should contain the terms college, clinic, institute, laboratory, or similar terms, unless the establishment referred to genuinely corresponds to the description used.

6. SPECIAL CATEGORIES OF ADVERTISING

6.1 Advertising for Sales Promotion Schemes — Food advertisements which invite the consumer to take part in competitions in order to promote sales; food advertisements which offer premiums or gifts to the consumer; and food advertisements which set out other promotion schemes like trading stamps, combined offers, etc, should state clearly all the conditions relating to the scheme advertised. The consumer should not be led by such food advertisements to overestimate the value of the offer.

6.2 Mail Order Food Advertising — Special care should be taken in framing mail order food advertisements, bearing in mind that the consumer usually has no opportunity to inspect the merchandise beforehand.

6.2.1 In particular, such advertisements should contain:

a) a clear and accurate description of the product offered (including all information required on the label, such as list of ingredients), the terms of delivery (including approximate date thereof), payment and return;

b) accurate information on the identity of the food advertiser, including all details necessary to enable the consumer to get in touch personally with the food advertiser or his representative without any unreasonable delay; food advertisements containing only an accommodation address or a post-office box number should not be accepted; and

c) accurate information of shelf life of perishable commodities should be mentioned in the advertisements.

7. RULES FOR IMPLEMENTATION

7.1 Responsibility

7.1.1 Responsibility for the observance of the rules of conduct should rest with:

a) the advertiser and the advertising practitioner or sponsoring organization who has created or placed the advertisement; and

b) the publisher, medium owner or contractor who publishes or distributes the advertisement.

7.1.2 Any one taking part in the planning, creation or publishing of an advertisement should exercise his proper responsibility to ensure that the rules are observed.

7.1.3 This responsibility embraces the advertisement in its entire content and form, including testimonials and statements or visual presentations originating from other sources. The fact that the content or form wholly or in part originates from other sources should not be an excuse for non-observance of the rules. No advertiser, advertising practitioner or agent, publisher, medium owner or contractor should publish any advertisement which has been found unacceptable by a well-defined section of the population.

7.2 Interpretation

7.2.1 The rules of the code should be applied in the spirit as well as in the letter. Owing to the different characteristics of the various kinds of media (press, television, radio, posters, films, etc), a presentation which may be acceptable for one medium may not necessarily be acceptable for another.

7.2.2 Food advertisements should be judged by their presumed impact on the consumer, bearing in mind that the consumer is usually motivated by impressions gained from a brief scanning of the advertisement in its entirety.

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Plot No 82/83, Lewis Road, BHUBANESHWAR 751002	5 36 27
53/5 Ward No 29, R G Barua Road, 5th Byelane, GUWAHATI 781003	3 31 77
5-8-56C L N Gupta Marg (Nampally Station Road), HYDERABAD 500001	23 10 83
R14 Yudhister Marg C Scheme, JAIPUR 302005	6 34 71 6 98 32
117/418 B Sarvodaya Nagar, KANPUR 208005	21 68 76 21 82 92
Patliputra Industrial Estate, PATNA 800013	6 23 05
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